



United States Department of Agriculture

## **Forest Service**

### **Secure Rural Schools Resource Advisory Committees**

### **CHARTER**

#### **1. Committee's Official Designation**

##### **Secure Rural Schools Resource Advisory Committees.**

The Federal advisory committees referenced in this charter are collectively known as Secure Rural Schools (SRS) Resource Advisory Committees (RACs). The official designation (title) of each RAC and its estimated annual operating expenses and staff support are shown in an addendum to this charter.

Each SRS RAC shall operate in accordance with this charter. This charter and its addendum shall be filed by the Committee Management Officer with the Secretary of Agriculture, the appropriate Congressional committees, the Library of Congress and the General Services Administration's Committee Management Secretariat and posted for each committee in the Committee Management Secretariat's Federal Advisory Committee Act (FACA) database.

#### **2. Authority**

Each SRS RAC is established pursuant to the Secure Rural Schools and Community Self-Determination Act of 2000 (the Act), 16 U.S.C. sec. 7125, as amended, most recently by the Agricultural Improvement Act of 2018 (P. Law 115-334), and in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C., App.2.

#### **3. Objectives and Scope of Activities**

The purpose of each RAC is to improve collaborative relationships among the people that use and care for the National Forests and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act.

#### **4. Description of Duties**

Each RAC shall be solely advisory in nature. Advice or recommendations of the RAC shall be given only with respect to the purposes of the committee as defined in the Act. All activities of the RAC shall be conducted in an open, transparent, and accessible manner.

Each RAC shall:

- a. Review projects proposed under Title II of the Act by participating counties and other entities.
- b. Recommend projects and funding for projects, in accordance with section 203 of the Act, to the Secretary, responsible for approving and implementing projects authorized by the Act. Agreement by the majority of members in each of the three membership categories of the RAC is required before recommending projects and funding.
- c. Provide early and continuous coordination with appropriate Forest Service officials in recommending projects authorized under Title II of the Act.
- d. Provide frequent opportunities for tribal governments, participating county governments, citizens, organizations, land management agencies and other interested parties to participate openly and meaningfully, beginning at the early stages of development of projects authorized under Title II of the Act.
- e. Monitor projects that have been approved under Title II of the Act and advise the Designated Federal Officer on the progress and results of the monitoring efforts.
- f. Make recommendations to the Secretary for any appropriate changes or adjustments to the projects being monitored by the RAC.
- g. Elect by agreement of a simple majority of members, a committee chairperson (or co-chairs) from among the RAC's members. The chair will serve for a term of one year.
- h. By agreement of a simple majority of members, adopt such by-laws, operating guidelines or rules of operation as it deems advisable to perform the duties of the committee, consistent with FACA and other applicable laws and regulations and with the approval of the Designated Federal Officer.

Upon request of the Designated Federal Officer, the SRS RAC, in addition to regular SRS duties, may make recommendations within its area of jurisdiction regarding:

- a. The implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;
- b. The elimination of a standard amenity recreation fee or an expanded amenity recreation fee;
- c. The expansion or limitation of the recreation fee program;
- d. The implementation or elimination of noncommercial, individual special recreation permit fees; and
- e. The implementation of fee-level changes (increases or decreases).

SRS RACs do not have the authority to make recommendations on certain aspects of fee programs, including, but not limited to:

- a. Recreation fee sites operated by a concessionaire or contractor such as campgrounds or reservation fees assessed by the national recreation reservation system; and
- b. Commercial permits such as outfitting and guiding; and recreation group event permits, which are issued as either special use permits by the Forest Service or special recreation permits by the U.S. Department of the Interior's Bureau of Land Management, such as bike races.

5. **Agency or Official to Whom the Committee Reports**

Each RAC reports its recommendations to the Secretary through the Chief of the Forest Service.

6. **Support**

Administrative support for each SRS RAC will be provided by the Forest Service.

7. **Estimated Annual Operating Costs and Staff Years**

The estimated annual operating expenses and staff support for each RAC are shown in the addendum to this charter.

In accordance with the Act, members of the RAC shall serve without compensation. RAC members may be allowed travel expenses and per diem for attendance at committee meetings as authorized by 5 U.S.C. 5703 if sufficient funds authorized for such uses are available as determined by the Forest Supervisor responsible for administrative support to the RAC. Reimbursement, if any, will be consistent with procedures and rates applicable to Forest Service employees in travel status.

8. **Designated Federal Officer**

A permanent Federal employee is to be appointed in accordance with Agency procedures and will serve as the Designated Federal Officer. The Designated Federal Officer will approve advisory committee and subcommittee meetings, prepare and approve all meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the Designated Federal Officer determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary.

9. **Estimated Number and Frequency of Meetings**

Each RAC will meet as often as necessary to perform its duties, generally one to four times per year, in a location and facility accessible to the public.

RAC meetings will be convened only with prior approval and an agenda from the Designated Federal Officer.



As required by the Act, all meetings of the RAC shall be open to the public. Interested persons may attend meetings, appear before the RAC as time permits, and file written comments with the RAC.

A simple majority of the members from each membership category of the RAC must be present to constitute an official meeting of the RAC. Attendance may be in-person, by telephone, or other electronic means.

In accordance with FACA regulations, notice of each meeting shall be published in the Federal Register at least 15 days before the meeting. In accordance with the Act, notice of each meeting shall be published in the local newspaper of record at least one week in advance of the meeting. RAC members will be notified personally of the date, time, and place of each meeting.

10. **Duration**

Continuing.

11. **Termination**

In accordance with FACA and departmental regulations, this charter will expire two years from the date of filing.

12. **Membership and Designation**

12a. Each RAC will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Steps will be taken to encourage new points of view, such as establishing staggered membership terms and limiting the number of renewed memberships.

12b. In accordance with the Act, each RAC shall be comprised of 15 members who provide balanced and broad representation from within each of the following three categories of interests specified in the Act:

- a. Five persons who represent:
  1. organized labor or non-timber forest product harvester groups;
  2. developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;
  3. energy and mineral development, or commercial or recreational fishing interests;
  4. commercial timber industry; or
  5. Federal grazing permits or other land use permit holders or represent non-industrial private forest land owners within the area for which the committee is organized.
- b. Five persons who represent:

1. nationally recognized environmental organizations;
  2. regionally or locally recognized environmental organizations;
  3. dispersed recreational activities;
  4. archaeological and historical interests; or
  5. nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.
- c. Five persons who represent:
1. State elected office (or a designee);
  2. County or local elected office;
  3. Native American tribes within or adjacent to the area for which the committee is organized;
  4. area school officials or teachers; or
  5. affected public-at-large.

In accordance with the new composition waiver process, the Secretary or his designee may grant a composition waiver to modify the membership requirements for a RAC. After a 30-day Federal Register publication notice of solicitation for candidates, the Secretary or his designee may reduce the membership composition to not fewer than 9 members provided an adequate number of qualified candidates are not interested or available to serve on a RAC.

Under this waiver, the membership requirements under the categories of interest (a), (b), and (c) may reduce to 3 members in each category as described above. Where a vacancy exists on a RAC, the Secretary may not reject a qualified applicant from any category. If a vacancy occurs, nominees will be sought through an open and public process and submitted to the Secretary for vetting, approval, and appointment.

Members shall reside within the State(s) in which the RAC is organized. To the extent practical, the membership of each of the three categories will include residents in the vicinity of the National Forest for which the committee provides advice.

In accordance with the Act, members are appointed to 4-year terms and may be reappointed for an additional 4 years. The membership term begins on the date of the Secretary's decision to appoint or reappoint members.

12c. Of these members, one will become the chairperson who is recognized for his or her ability to lead a group in a fair and focused manner and who has been briefed on the mission of this Committee. A co-chairperson may be assigned, especially to facilitate his or her transition to become the chairperson in the future. A chairperson is selected by a majority of RAC members.

12d. Regional Appointment Pilot Program: Under the new authority, the Secretary shall carry out a pilot program to allow a Regional Forester to appoint members to RACs



within the geographical limitation of the States of Montana and Arizona through October 1, 2023.

12e. Existing RAC members in RACs that are being consolidated by this charter shall continue to serve the remaining time on their appointments until new nomination packages are approved for the consolidated RAC.

#### 12f. Ethics Statement

To maintain the highest levels of honesty, integrity and ethical conduct, no Committee or subcommittee member shall participate in any “specific party matters” (i.e., matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Committee or Subcommittee members to immediately disclose to the Designated Federal Officer (for discussion with U.S. Department of Agriculture’s Office of Ethics) any specific party matter in which the member’s immediate family, relatives, business partners or employer would be directly seeking to financially benefit from the Committee’s recommendations. Members of the Committee shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, claims, grants, or agreements that involve lands or resources administered by the Forest Service, or in any litigation related thereto. For the purposes of this paragraph, indirect interest includes holdings of a spouse or dependent child.

All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Committee’s advice and recommendations. Members who are appointed as “Representatives” are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.

Members appointed as “Special Government Employees” (SGEs) are considered intermittent Federal employees and are subject to Federal ethics laws. SGEs are appointed due to their personal knowledge, academic scholarship, background or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form) via the FDonline e-filing database system. Upon request, the Department will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards the Department will provide ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

## 12g. Equal Opportunity Statement

Equal opportunity practices, in line with USDA policies, will be followed in all membership appointments to the committee. To help ensure that the recommendations of the RAC have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, political beliefs, income derived from a public assistance program, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA (not all bases apply to all programs).

## 13. Subcommittees

The Forest Service has the authority to create subcommittees. Subcommittees must report back to the parent committee and must not provide advice or work products directly to the Department.

## 14. Recordkeeping

The records of this Committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about each RAC is available online at:

<https://cloudapps-usda-gov.secure.force.com/FSSRS/allRACs>.

## 15. Filing Date

OCT 17 2019